

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
THE GAS COMPANY, LLC)
To File a General Rate Increase)
For All Utility Gas Divisions.)
_____)

DOCKET NO. 2008-0081

ORDER APPROVING THE PARTIES'
REQUEST TO AMEND THE REGULATORY SCHEDULE

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

PUBLIC UTILITIES
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2009 MAY 20 P 12:16

FILED

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By this Order, the commission approves the Parties' request to amend the regulatory schedule.¹ Accordingly, the Parties' Joint Statement of Probable Entitlement for interim relief purposes is due by May 22, 2009, and their settlement agreement is due by June 19, 2009.

I.

Amended Regulatory Schedule

The remaining procedural dates that govern this proceeding are:²

¹The Parties are THE GAS COMPANY, LLC ("TGC"), and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"), an ex officio party to this proceeding, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a).

²See Order Approving Proposed Stipulated Prehearing Order, as Modified, filed on December 16, 2008 ("Prehearing Order"); and Order Approving the Parties' Request to Amend the Regulatory Schedule, filed on April 27, 2009.

<u>Procedural Step</u>	<u>Date(s)</u>
17. Settlement Letter/Agreement and, for any remaining disputes items: (1) TGC's rebuttal testimonies, and (2) the Consumer Advocate's response or position statement on the outstanding issues addressed in TGC's rebuttal testimonies	May 15, 2009
18. Prehearing conference	May 20, 2009, 9:30 a.m.
19. Simultaneous filing of statement of probable entitlement if no settlement	May 20, 2009
20. Consumer Advocate's response, if any, to statement of probable entitlement	May 22, 2009
21. Evidentiary hearing	May 26 - 29, 2009
22. Interim Decision and Order	June 4, 2009
23. Simultaneous post-hearing briefs	Three weeks after the transcripts are completed and filed with the commission

By joint letter dated May 15, 2009, the Parties inform the commission that they have resolved all of their differences raised by the Consumer Advocate in its direct testimonies, and thus, have reached a global settlement of all the issues in this rate case proceeding. Accordingly, the Parties timely submit certain agreed-upon amendments to the regulatory schedule for the commission's approval. Specifically, the Parties: (1) state that the prehearing conference, evidentiary hearing, and the filing of post-hearing briefs are no longer necessary, and thus, seek to cancel as moot Procedural Steps No. 18, No. 21 and No. 23; (2) seek to replace Procedural Steps No. 19 and No. 20 with a new Procedural Step that authorizes the Parties to file a Joint Statement of Probable Entitlement by May 22, 2009; (3) advise the commission that Items No. 1 (TGC's rebuttal testimonies on

disputed issues) and No. 2 (Consumer Advocate's response) of Procedural Step No. 17 are no longer necessary; and (4) for the remaining procedural matter set forth in Procedural Step No. 17, seek an extension of time, from May 15, 2009 to June 19, 2009, to file their settlement agreement.

The Parties, in support of their request, represent that: (1) it is more efficient and cost-effective for them to file a Joint Statement of Probable Entitlement in lieu of separate statements of probable entitlement currently envisioned by Procedural Steps No. 19 and No. 20; and (2) they are still in the process of finalizing the settlement agreement, and need "sufficient time to properly reflect and justify the settlement terms contained therein and as required by Ordering Paragraph 2 of the Commission's April 27, 2009 Order in this docket."³

HAR § 6-61-23, governing enlargements of time, provides:

Enlargement. (a) When by this chapter or by notice or by order of the commission, any act is required or allowed to be done at or within a specified time, the commission for good cause shown may at any time, in its discretion:

- (1) With or without motion or notice, order the period enlarged, if written request is made before the expiration of the period originally prescribed or as extended by a previous order; or
- (2) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action on jurisdictional matters and where any order expressly provides that no enlargement shall be granted.

³Parties' joint letter, dated May 15, 2009, at 2.

(b) Motions for extensions of time and requests or stipulations for continuances must be in writing, except when made at hearing. Ordinarily, when a matter is to be submitted on concurrent briefs, extensions will not be granted unless a stipulation is filed with the commission.

HAR § 6-61-23; see also Prehearing Order, Section II, Schedule of Proceedings (the stipulated regulatory schedule may be amended as agreed-upon by the Parties in writing and approved by the commission), and Section X, General (the Prehearing Order shall control the subsequent course of this proceeding, unless modified at or prior to the hearing to prevent manifest injustice).

Ordering Paragraph No. 2 of the commission's Order Approving the Parties' Request to Amend the Regulatory Schedule, filed on April 27, 2009 ("Amended Order"), states:

The Parties, in their efforts to reach agreement on a written stipulation, shall adhere to the following guidelines: (A) the settlement agreement should fully explain and provide the supporting bases (calculations, worksheets, data, and all other evidence) or other rationale to justify and support a commission finding that the proposed revenue requirements (revenues, expenses, rate base, and rate of return) set forth in the stipulation are just and reasonable, including the applicable citations to the docket record; and (B) the revenues, expenses, and rate base amounts agreed-upon by the Parties should be consistent with the test year concept, and utilize a normalized test year period.

Amended Order, at 6.

Here, the Parties, in light of their global settlement, propose to delete or cancel as moot the following procedural matters: (1) the filing of TGC's rebuttal testimonies on any disputes and any response thereto by the Consumer Advocate (Procedural Step No. 17, Items No. 1 and No. 2); (2) the

prehearing conference (Procedural Step No. 18); (3) the filing of separate statements of probable entitlement (Procedural Steps No. 19 and No. 20); (4) the evidentiary hearing (Procedural Step No. 21); and (5) the filing of post-hearing briefs (Procedural Step No. 23). In the commission's view, the Parties' proposed changes, including the filing of a single, joint statement of probable entitlement by May 22, 2009, are consistent with "secur[ing] the just, speedy, and inexpensive determination of [this] proceeding," and thus, are approved by the commission.⁴ Based on the Parties' representations, including their stated intent to comply with the guidelines set forth in Ordering Paragraph No. 2 of the commission's Amended Order, the commission also finds good cause to extend the deadline date for the Parties to file their settlement agreement, from May 15, 2009 to June 19, 2009.

II.

Order

THE COMMISSION ORDERS:

The Parties' request, dated May 15, 2009, to amend the regulatory schedule is approved. Accordingly, the remainder of the regulatory schedule is revised to read as follows:

⁴See also Prehearing Order, Section II, Schedule of Proceedings (the stipulated regulatory schedule may be amended as agreed-upon by the Parties in writing and approved by the commission), and Section X, General (the Prehearing Order shall control the subsequent course of this proceeding, unless modified at or prior to the hearing to prevent manifest injustice).

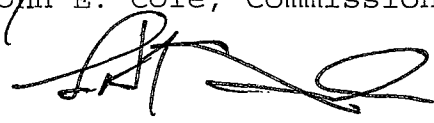
<u>Procedural Step</u>	<u>Date</u>
20A. Parties' Joint Statement of Probable Entitlement	May 22, 2009
21. [Deleted]	
22. Interim Decision and Order	June 4, 2009
23. Parties' Settlement Agreement	June 19, 2009

DONE at Honolulu, Hawaii MAY 20 2009.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

By 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Michael Azama
Commission Counsel

2008-0081.cp

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

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